

Congress of the United States

Washington, DC 20515

October 1, 2003

The President
The White House
Washington, DC 20500

Dear Mr. President:

On July 31, we wrote to you regarding this year's State of the Union address, in which you stated that your proposed Clear Skies Act "mandates a 70 percent cut in air pollution from power plants over the next 15 years."¹ Our letter pointed out that the proposed Clear Skies Act would not, in fact, mandate or reduce air pollution from power plants by 70 percent over the next 15 years, and requested that you correct the record or provide us the analytical basis for your statement.

In response, on August 13, we received a letter from Mr. Edward Krenik, the EPA Associate Administrator for Congressional affairs.² The letter failed to answer our questions to you, and instead accused us of a "fundamental lack of understanding" of the issue.

This was an unacceptable response to a serious issue. You have presented your Clear Skies proposal to the American people, and you are urging Congress to pass this legislation. Our letter raised a fundamental question about the environmental effects of your proposal and the claims you have made for it. We urge you to address this issue in a manner befitting its importance to the Administration, Congress, and the country.

As we stated in our letter of July 31, your statement on the Clear Skies proposal in the State of the Union address is contradicted by the basic information EPA had at that time, and now, on the Clear Skies proposal. The Environmental Protection Agency (EPA) analyses performed both before and after the State of the Union address conclude that the cap-and-trade system established under the Clear Skies proposal would not reduce emissions from power plants by 70 percent within 15 years (by 2018). In fact, EPA's most recent estimates, released July 1, 2003, indicate that power plant air pollution would still exceed the caps of the Clear Skies Act by 1,260,000 tons, or seven percent of the national total, in 2020. EPA's response did not, in fact, deny this.

EPA's response not only failed to address our concerns, but instead recast your statement, stating: "Clear Skies mandates a cap on emissions 15 years from now. The Act mandates power plant emission reductions, which will be 70% below year 2000 levels." These two sentences have a different meaning from your promise to require that air pollution will be cut by 70 percent "over the next 15 years." Furthermore, Mr. Krenick dismissed our conclusion that emissions reductions would fall short of 70

¹ State of the Union Address (January 28, 2003)(available on line at <http://www.whitehouse.gov/news/releases/2003/01/20030128-19.html>).

² Mr. Krenik has since left this position and has joined the lobbying firm Bracewell Patterson, which represents industry on air quality issues.

percent "in one particular year," even though that year (2020) is two years beyond your promise to cut emissions "over the next 15 years," or by 2018.³ By ignoring your actual statement in the State of the Union address, EPA's answer ignores our central concern.

It is highly doubtful that most Americans listening to your State of the Union address understood that your Clear Skies proposal would establish regulatory caps in 15 years, but that actual air pollution reductions would not be achieved until many years later. If you promise to require air pollution to be cut "over the next 15 years," the public is likely to believe that those air pollution reductions would actually be achieved over the next 15 years.

We know you understand the difference between mandating a cap on emissions that is not achieved, and actually achieving a reduction in emissions. We believe that the year that clean air goals will actually be attained is a vital fact for the public to understand about any clean air legislative proposal, and we are disappointed that EPA officials have dismissed the actual emissions under the Clear Skies legislation as of secondary importance to arbitrary cap dates. We know that our constituents, whose health suffers from dirty emissions, and our states, which are working hard to attain clean air standards, know the difference.

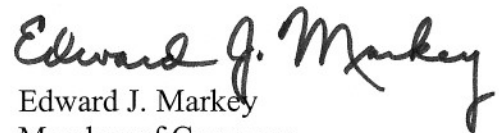
We reiterate the request that you correct your statement or supply Congress and the American people with any additional analytical work upon which your statement was based. Furthermore, we request that you instruct EPA to estimate the date by which the Clear Skies Act would actually achieve a 70 percent pollution reduction from year 2000 emissions levels and inform us of its conclusion. Alternatively, we suggested that you direct EPA to analyze and report to Congress what specific changes to the Clear Skies proposal would ensure that the Act would actually achieve a 70 percent reduction in 15 years, as you stated in the State of the Union address. We cannot easily compare the Clear Skies Act to other clean air legislation without accurate comparative analysis.

Thank you for your attention to this serious matter.

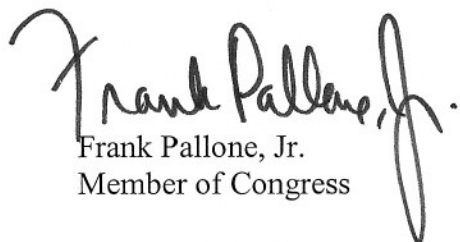
Sincerely,



Tom Allen
Member of Congress



Edward J. Markey
Member of Congress



Frank Pallone, Jr.
Member of Congress



Lois Capps
Member of Congress

³ Letter from Edward D. Krenick, Associate Administrator, EPA, to Rep. Thomas Allen (August 13, 2003).